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Feb 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Bentley Price, Circuit Court Judge

Opinion No.: 5964
Case No. 2021-CP-08-00513
Appellate Tracking Number 2021-00768
(Companion Case Tracking No.: 2019-001169)

Aracelis Santos,Appellant,

vs.

Harris Investment Holdings, L.L.C.
the City of Hanahan, John Doe #1 and
John Doe #2, employees of the City of
Hanahan Police Department,Defendants,

of which

Harris Investment Holdings, L.L.C. is theRespondent.

RETURN TO MOTION FOR COSTS

Thomas R. Goldstein, S. C. Bar #2186
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ATTORNEYS FOR APPELLANT

As authorized by Rule 222(d) of the *South Carolina Appellate Court Rules*, the Appellant submits the following Return to Respondent’s motion for costs:

1. Costs¹ on appeal are allowed in accordance with Rule 222(b) and include “to the extent the party actually incurred” them the following:

- a. the filing fee (paid by Appellant)
- b. the cost of the court reporter’s transcript (original paid by Appellant; Respondent paid \$220.00 for copies—see footnote 1 for breakdown of costs)
- c. premiums paid for bonds (none)
- d. cost of printing the Record on Appeal (none)
- e. cost of printing Final Briefs (\$20.80)

2. In addition to these costs allowed by Rule 222(b), the Supreme Court authorizes an attorney’s fee of \$2,500.00. A party can petition the Court for additional costs, but the Rule says: “The allowance of additional costs will generally not be allowed except in the most extraordinary circumstances.” (The Respondent has not petitioned for additional costs and there are no “extraordinary circumstances” that would justify an application to depart from the Rule.)

¹ Costs are normally itemized on the Court’s Form 17 “Itemized Statement of Costs.” Here, the costs are spread throughout Exhibit A in five invoices as: \$220.00 for copies of transcripts plus \$8.25 for postage on invoice 2148093; \$18.07 for “Federal Express” on invoice 2160168; \$131.72 for “Westlaw” on invoice 2190288; \$20.80 for Final Briefs on invoice 2199575; and finally, \$150.88 for “two color copies” and mileage to and from oral argument on invoice 2448246.

3. The issue of costs is not ripe for determination until the Court issues the remittitur: “A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed **under this Rule**. (emphasis added)

For the foregoing reasons, the Appellant respectfully submits that the Respondent’s Motion for Costs should be denied.

Respectfully submitted.

February 13, 2023

/s/ Thomas R. Goldstein
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Aracelis Santos,Appellant,

vs.

Harris Investment Holdings, L.L.C.,
the City of Hanahan, John Doe #1,
and John Doe #2Defendants,

of whom

Harris Investment Holdings, L.L.C. isRespondent.

PROOF OF SERVICE

I certify that I have served the Appellant’s Return to Motion for Costs on the Respondent, Harris Investment Holdings, L.L.C., by depositing a copy of it in the United States Mail, postage prepaid, on February 12, 2023, addressed to the attorneys of record, Merritt Abney, 151 Meeting Street, Sixth Floor, Charleston, S. C. 29401-2239. (I also sent a copy to counsel for the City of Hanahan and John Doe #1 and John Doe #2, Stafford J. McQuillin at P. O. Box 340, Charleston, S. C. 29402.)

February 13, 2023

/s/Thomas R. Goldstein
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Hon. Jenny A. Kitchings,
Clerk of Court
S. C. Court of Appeals
1220 Senate Street
Columbia, S. C. 29201

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Re: Aracelis Santos v. Harris Investment Holdings, L.L.C., *et. al.*
Opinion No.: 5964
Case Nos.: 2021-CP-08-00513
Appellate Tracking No.: 2021-00768
(companion case No.: 2019-00169)

Dear Ms. Kitchings,

I am filing the Appellant's Return to Respondent's Motion for Costs electronically. Please let me know if you require anything further to perfect this filing. By copy of this letter, I am providing an electronic and a paper copy to opposing counsel. Please let me know if you require anything further. I thank you in advance for your attention to this request. With kind regards, I am

Very truly yours,



BELK, COBB, INFINGER & GOLDSTEIN, P.A.
Thomas R. Goldstein

TRG/

enclosure: Return to Motion for Costs (electronically)

cc:

Merritt Abney, Esq.
151 Meeting Street
Sixth Floor
Charleston, S. C. 29401

Stafford J. McQuillin, Esq.